

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

REYNALDO TREVINO,)
Plaintiff,)
)
v.) CAUSE NO.: 2:16-CV-458-WCL-JEM
)
ACTIVE GEAR CORP., *et al.*,)
Defendants.)

OPINION AND ORDER

This matter is before the Court on Plaintiff's Emergency Motion to File His First Amended Complaint [DE 9], filed by Plaintiff on November 19, 2016.

Plaintiff filed this products liability lawsuit on October 31, 2016, for injuries he sustained when his bicycle cracked in half on November 28, 2014. The initial Complaint named as defendants the bicycle's seller, Active Sports, Inc., and the bicycle's distributor and manufacturer, Active Gear Corp. The Complaint also identified an "unknown Chinese Manufacturer" that "participated in the manufacture" of the bicycle.

Conscious that the statute of limitations on his claims will expire on November 28, 2016, Plaintiff quickly asked the Court to allow him to conduct limited discovery to determine the identity of the "unknown Chinese Manufacturer." The Court granted that request, and now Plaintiff, armed with the identity of the Chinese company he believes helped manufacture the bicycle, seeks to file a First Amended Complaint naming that entity.

Defendants have not had an opportunity to respond, but Federal Rule of Civil Procedure 15(a)(1)(A) allows a party to amend its pleading "as a matter of course" within 21 days of serving it, and here Plaintiff served Defendants on November 8—less than 21 days ago. Plus, Defendants

have not yet responded to the initial Complaint, so no prejudice will arise from letting Plaintiff file his First Amended Complaint.

The Court accordingly **GRANTS** Plaintiff's Emergency Motion to File His First Amended Complaint [DE 9]. The Court **ORDERS** Plaintiff to file his First Amended Complaint, currently attached to the instant Motion at DE 9-1, on or before **November 28, 2016**.

SO ORDERED this 21st day of November, 2016.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record